

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

(1) AMY GUSTAFSON,

Plaintiff,

v.

(1) ALLSTATE VEHICLE AND PROPERTY
INSURANCE COMPANY, an Illinois
Corporation,

Defendant.

Case No. CIV-20-1136-R

Removed From
District Court of Oklahoma County
Case No. CJ-2020-2227

NOTICE OF REMOVAL

Defendant, Allstate Vehicle and Property Insurance Company (“Defendant”), submits its Notice of Removal of the above-styled action to the United States District Court for the Western District of Oklahoma. This action is now pending in the District Court of Oklahoma County, Oklahoma, as above-captioned, and docketed as CJ-2020-2227. This action is removed to federal court under diversity of citizenship jurisdiction. Removal is timely as Defendant received service of process on October 13, 2020.

Copies of all of the pleadings and process filed in this action to-date are attached as Exhibits 1-6. A copy of the Docket Sheet from the State court action is also attached as Exhibit 7.

The Standard For Removal To Federal Court Under 28 U.S.C. § 1332.

The United States Supreme Court held in *Dart Cherokee Basin Op. Co., LLC v. Owens*, 135 S.Ct. 547, 553-54 (2014) that a notice of removal is governed by the general “notice pleading” standard under Fed.R.Civ.P. 8(a) and evidentiary submissions supporting

removal are not required. In sum, courts should “apply the same liberal rules [to removal allegations] that are applied to other matters of pleading.” (*Id.* p. 553) (addition in original). *See also, Lundahl v. Am. Bankers Ins. Co. of Florida*, 610 Fed.Appx. 734, 736 (10th Cir. 2015) (applying *Dart* and holding notice of removal effective because defendant alleged diversity of citizenship and jurisdictional amount exceeding \$75,000). Here, removal from state court is proper as subject matter jurisdiction exists under the diversity statute, 28 U.S.C. § 1332.

I. Diversity of Citizenship Exists.

The parties are of diverse citizenship. Plaintiff is a citizen of the State of Oklahoma. Defendant is an Illinois corporation with its principal place of business in Illinois.

II. The Federal Jurisdictional Amount Is In Controversy.

The requisite amount in controversy, exclusive of interest and costs, is in excess of \$75,000. The allegations in Plaintiff’s Petition demonstrate that the amount in controversy exceeds \$75,000.00 exclusive of interest and costs. According to Plaintiff’s Prayer for Relief, “[t]he amount sought as damages is greater than the amount required for diversity jurisdiction....” (Ex. 1, p.3).

CONCLUSION

The parties to this action are of diverse citizenship and the requisite amount is in controversy. Therefore, the United States District Court for the Western District of Oklahoma has original jurisdiction of this matter under the diversity statute, and Defendant is entitled to have this action removed to federal court.

Respectfully submitted,

s/RONALD L. WALKER

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CERTIFICATE OF SERVICE

This is to certify that on the 10th day of November 2020, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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